

March 14, 2021

James Hovis
Washington State Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

Re: Draft – Boatyard General Permit

Dear Mr. Hovis:

I am offering comments on the Draft – Boatyard General Permit as a Washington State resident and member of the public. I am not a subject matter expert. Thank you for taking the time to consider my input.

Page 5 S1.A - The draft permit states “engaged in the construction, repair, **and** maintenance of small vessels...” [emphasis added]. Should this be “engaged in the construction, repair, **or** maintenance of small vessels”?

Page 6 S1.B.4 - The indentation of the paragraph beginning “Facilities exempted from this permit may require coverage under the Industrial Stormwater General Permit or an individual permit” makes it read like this paragraph is specifically associated with vessel deconstruction. Assuming it is not specific to vessel deconstruction, it might be clearer if this paragraph was either moved to the beginning of S1.B or if it was numbered separately as 5.

Page 7 S1.C.2.1 - The requirement “Submit to on-site facility inspection(s) by Ecology to verify compliance with all “no exposure” conditions” does not make sense when read in conjunction with the introductory statements. When read with the introductory statements, the permit reads:

“To acquire a Conditional No Exposure Exemption, a facility or Permittee must complete the following steps: Certify that none of the following materials or activities are, or will be in the foreseeable future, exposed to precipitation or stormwater runoff: Submit to on-site facility inspection(s) by Ecology to verify compliance with all “no exposure” conditions.”

I think “Submit to on-site facility inspection(s) by Ecology to verify compliance with all “no exposure” conditions” would be more appropriate as a separately numbered requirement. That would make it number 3.

Page 8 S1.E - The draft permit states, “New facilities are facilities that begin operation on or after the effective date of this permit, August 1, 2021.” The definition of “New operation” at Washington Administrative Code (WAC) 173-226-030 says “‘New operation’ means an operation that begins activities that result in a discharge, or a potential discharge to waters of the state on or after the effective date of the general permit.” This codified definition seems broader than the version on page 8 of the permit and it would include a facility that changes its operations or discharges and

is now subject to regulation. The accompanying Fact Sheet states, “For purposes of this permit, “new operation” and “new facility” have the same meaning.” This is consistent with the definitions section at the end of the draft permit where the definitions for “New facility” and “Existing facility” seem to parallel the definitions of “New operation” and “Existing operation” in WAC 173-226-030.

Please consider rewording the definitions of “Existing facility” and “New facility” on page 8 to match the definitions on pages 49 and 50 which also parallel definitions in WAC 173-226-030.

There is also a distinction between existing facilities and new facilities in S2.E on page 12. Clarification of the definitions for “Existing facility” and “New facility” in the beginning of the permit may help S2.E Boatyards Discharging to Impaired Waters on page 12 be more understandable and enforceable.

Page 8 S1.E.1.b.ii - I believe the reference to WAC 173-226-200(f) should be WAC 173-226-200(3)(f).

Page 8 S1.E.2 - The link after “For more information about the WQWebPortal” requires access to SAW. The following link may be more helpful for new applicants unfamiliar with WQWebPortal or SAW: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance>.

Page 8 S1.E.2 - The link after “For additional information about SAW” goes to a technical support feedback form for SAW. The same link referenced above or a link to the YouTube video from the page referenced above might be more helpful.

Page 9 Table 1 - The footnotes to the table appear to have a typo and do not match the references in the table. The table includes a footnote reference at Daily Maximum Value (a), Laboratory Quantitation Level^a, and Meter^c. The footnotes list an “a,” “b,” and “c” but the “b” appears to be a typo. There is no associated footnote for Laboratory Quantitation Level.

Page 10 S2.B - The draft permit states, “The Permittee must notify Ecology of the more stringent POTW limits” for Boatyards Discharging Stormwater Runoff from Areas with Industrial Activity to a Non-Delegated POTW. There is not a similar requirement for S2.A Boatyards Discharging Pressure-Wash Wastewater to a Non-Delegated POTW. Wouldn't Ecology also want to be notified of more stringent POTW limits for discharging pressure-wash wastewater?

Page 13 S2.E.3.a - The letter “l” and the indentation before “If a Permittee can demonstrate, based on video inspection, in-line storm drain solids sampling...” makes it unclear what this paragraph is associated with. Is this a formatting error?

Page 15 S2.F.4. - The draft permit states, “Conduct inspections of the pond or tank and in accordance with the Operation and Maintenance Manual and all requirements in S6. E – Visual Inspection Requirements.” The current S6.E does not specifically call out these ponds or tanks. Given the potential for environmental harm, I propose specifically adding lined evaporative ponds and above ground tanks to S6.E as elements that must be inspected weekly. This seems especially

beneficial since I could not locate any requirement for an updated engineering report at any point in the life of these units.

Page 18 S3.H - The draft permit states, “The Permittee must store spent zincs in a covered container and properly dispose of them.” Please consider changing to “properly dispose or recycle them” to encourage recycling.

Page 21 S6.B - This section refers the Permittee to “S2.A (Boatyards Discharging Pressure-Wash Wastewater to a Non-Delegated POTW) for the required monitoring frequency.” However, the section is entitled “Pressure Wash Effluent to Sanitary Sewer.” Could this be either a delegated or non-delegated sanitary sewer? Should the Permittee be referred to S2.A or S2.C, as applicable, instead of only referencing S2.A?

Page 21 S6.C - The sentence “No possibility exists for stormwater runoff to flow from an industrial area onto the storage area” is immediately following by “The Permittee must collect samples from a location or locations affected by boatyard related activities and as noted on the application for coverage. If stormwater runoff from the industrial areas of a facility occurs as sheet flow...” With the current formatting this all appears to be a single paragraph; however, based on the context I believe this is a formatting error.

Page 23 S6.E.3.a. - The draft permit refers to “assessments required in Condition S6.D (Visual Inspection Requirements)...” This looks like a typo; Visual Inspection Requirements is S6.E.

Page 23 under 1. - The statement “A Level One Response is not required after four, five, or six exceedances” seems confusing. Is this referring to four or more exceedances for the same benchmark (i.e. four zinc exceedances) or is it referring to exceedances of four or more different benchmarks (zinc, copper, lead, and pH). Because of the context, it seems like it might be referring to exceedances of four or more different benchmarks but based on the descriptions for Level Two and Level Three Responses, I suspect it is supposed to be describing exceedances for the same benchmark.

Also, the wording implies that after exceedances seven, eight, etc., a Level One Response will be required. After reading the full permit, I think this is referring to the 15 month timeframe under Level 3 Responses which states “[S]tarting at 15 months after the date of the sixth exceedance, the next benchmark exceedance for that parameter shall count as the first level 1 benchmark exceedance.” However, the wording on page 23 is not specific enough to be clear.

I thought the trigger points were clearly explained under the Level 2 and Level 3 Response section and in the Fact Sheet; but then this statement on page 27 S8.A.2 “[T]his paragraph does not apply to a Level Two or a Level Three Response when four or more benchmark values have been exceeded” is worded so that it again sounds like it is referring to exceedances of four different benchmarks rather than four exceedances of the same benchmark. Is that Ecology’s intent?

Page 24 under 3. Level Three Response - The table has a typo in the first paragraph. There is a mismatched parenthesis: “six monitoring results) have accumulated.”

Page 25 - The draft permit states, “Ecology may subsequently approve modification of the permit in accordance with Condition S1.C (Modification of Permit Coverage).” Modification of Permit Coverage is S1.F. This incorrect reference is used twice on page 25.

Page 28 S8.A.4 - The draft permit references the Hazardous Waste Reduction Act, Chapter 70.95C RCW. This chapter has been recodified under Chapter 70A.214 Revised Code of Washington (RCW) Waste Reduction (see <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.95C>).

Page 29 S8.B.1.e - The draft permit states, “Sampling and analysis of these discharges is required when directed to do so by an order from an Ecology inspector.” Using the word order indicates that a legal administrative order is required. If it is within Ecology’s authority, changing the wording to “when directed to do so in writing by an Ecology inspector” might be more helpful to inspectors in obtaining timely analysis.

Page 31 S8.B.3.e.iii - The draft permit states the Permittee must “[I]nspect all equipment and vehicles during **monthly** site inspections for leaking fluids.” This is the only monthly inspection referred to in the permit. Is this supposed to be part of the **weekly** visual inspection requirement at S6.E or is this a unique monthly inspection?

Page 32 S8.B.3.f.ii.a - The draft permit states “The Permittee shall: a) Store all hazardous substances, petroleum/oil liquids, and other chemical solid or liquid materials that have potential to contaminate stormwater on an impervious surface that is surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater, or use double-walled tanks.” Since the requirement only references tanks, it is not clear how or whether it applies to containers of hazardous substances, petroleum/oil liquids, etc. If this requirement is only intended to apply to tank storage, consider rewording. For example, “Locate tanks storing hazardous substances, petroleum/oil liquids...” If it is Ecology’s intention for this requirement to apply to containers, please consider adding a reference to containers.

Ecology’s Stormwater Management Manuals are referenced throughout the draft permit. Please consider adding a link to the documents for easier reference: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>

I hope you find these comments understandable and helpful.

Sincerely,

Tami Applebee